IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.2249 OF 2004
IN
WRIT PETITION NO.8596 OF 2003

Navaratna & Co. & anr. .. Applicants

v/s.

State of Maharashtra & ors. ..Respondents

Mr.R.Jaykar i/by M/s.M.V.Jaykar & Co. for the applicants.

Mr.S.R.Nargolkar, Assistant Government Pleader for respondent Nos.1 and 2.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 23rd March, 2005

P.C.

The only prayer pressed by the learned counsel for the applicants in this application is that the applicants property being shop No.6 at 113, Mama Parmanand Marg, Mumbai-4 owned by them may be sold and the proceeds thereof may be appropriated against outstanding amount subject to the decision of the writ petition.

2. The prayer made by the applicants that the property afore-referred owned by them be sold, is reasonable.

3. We, accordingly, dispose of the civil

application by the following order:-

ORDER

The respondent No.2 viz. Special Recovery Officer and Sales Officer, Co-operative Department, Government of Maharashtra through Jankalyan Sahakari Bank Ltd. is directed to auction the godown premises being shop No.6 at 113, Mama Parmanand Marg, Mumbai-4 owned by the applicants by way of public auction and proceeds thereof be deposited with the respondent No.3-bank viz. Jankalyan Sahakari Bank Ltd.. The sale proceeds so deposited by respondent No.2 with the respondent No.3-bank shall be appropriated against the due amount of the applicants. Such appropriation by the respondent No.3-bank shall be subject to the decision of the writ petition.

4. Civil application stands disposed of.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)